IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 1495 of 2002
Date of Decision: February 03,2010

Ranjit Singh .....Petitioner

Versus

State of Punjab .....Respondent

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.Baldev Singh, Senior Advocate with
Mr.Deepender Singh, Advocate for the petitioner.
Mr.J.S.Sandhu, Assistant Advocate
General, Haryana

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Sabina, J.

Petitioner-Ranjit Singh was convicted for an offence under Section 304-A of the Indian Penal Code (`IPC' for short) vide judgment dated 17.01.2000 by the Judicial Magistrate Ist Class Barnala. Vide order of even date petitioner was sentenced to undergo rigorous imprisonment for a period of two years for offence under Section 304-A IPC and to pay a fine of Rs.2500/-. Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Barnala vide judgment dated 16.7.2002 . Hence, the present revision petition.

The brief facts of the case, as noticed by the Appellate Court in paras 2 and 3 of its judgment, are as under:-

"2. Succinctly, the facts of the prosecution case are that on 2.4.95, complainant C-Surinder Pal Singh No.247 made a statement before ASI Malkiat Singh, stating that on 2.4.95, he alongwith SPO Charan Pal and SPO Palwinder Singh were on patrol duty in the area of village Harigarh in a Governmnt Allwn Nishan No.PB-13-B-3568 driven by SPO Palwinder Singh. He was sitting by the side of the driver while SPO Charan Pal was sitting in the rear of the vehicle. They were on the way from Badbar to Dhanaula in connection with patrolling and on the way, they noticed a scooter No. PB-13-C-4085 going towards Dhanaula at little distance of their vehicle. That scooter was being driven by a youngman with a lady on the pillion seat and a child in her lap. The scooter was on its correct side. At about 5.15 p.m., when they reached near bridge of drain, a truck bearing No. CH-01-E4648 came from the opposite side, which was being driven by a person having long hairs cut and truck was driven in a rash and negligent manner. The driver of the truck struck his truck against scooter and with impact of the accident the lady and child had fallen on the road, while scooter and scooterist were dragged by the truck which had fallen in the ditches. The complainant managed to stop his vehicle and observed that the scooterist, lady sitting on pillion seat and child had succumbed to their injuries, so he had apprehended the driver of the vehicle, who on enquiry told his name as Ranjit Singh son of Nasib Singh, Jat, resident of Popne Tehsil Kharar, District Ropar. The search of scooter revealed that owner of scooter was Karamjit Singh son of Hardev Singh

resident of village Thikriwala, Tehsil Barnala, District Sangrur. Thus, a message to Investigating Officer was given through wireless, who had come at the place of accident and it was apprised to him that accident was caused by the accused/appellant Ranjit Singh while driving his truck in a rash an negligent manner. Statement of complainant was endorsed by ASI Malkiat Singh which was sent to the Police Station, on the basis of which formal FIR was registered against the accused/appellant. Accused/appellant was formally arrested in this case. Rough site plan of the place of accident was prepared and autopsy tests of dead bodies of the deceased were conducted. Statements of witnesses under Section 161 Cr.P.C. were recorded. The ofending vehicle and scooter of the deceased were taken into police possession alongwith its relevant documents and other items. On completion of investigation and other formalities of the case, the accused/appellant was challaned in this case to face trial.

3.On appearance, copies of documents as required under Section 207 Cr.P.C. were supplied to accused/appellant free of costs. Finding a prima facie case, formal charge under Section 304-A and 427 of Indian Penal Code was framed against accused/appellant, who pleaded not guilty and claimed to be tried."

Learned senior counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Section 304-A IPC but has submitted that the sentence qua imprisonment be reduced. Learned senior counsel has further submitted that the petitioner

was 24 years old at the time of occurrence and has been facing criminal proceedings since the year 1995. The heirs of the deceased had been awarded compensation in the claim case.

Accordingly, keeping in view the submissions made by the learned senior counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced .

Hence, the conviction of the petitioner under Section 304-A IPC is maintained. However, the sentence qua the imprisonment of the petitioner under Section 304-A IPC is reduced from rigorous imprisonment for two years to rigorous imprisonment for one year.

Petition stands disposed of accordingly.

(Sabina)
Judge

February 03, 2010
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